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## Planning Commission Study Session

**TO:** PLANNING COMMISSION

**FROM:** NICHOLE MCCARTY, PLANNER II *nm*  
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**THROUGH:** CATHERINE LORBEER, AICP, PRINCIPAL PLANNER *ajl*  
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**MEETING DATE:** JANUARY 7, 2015

**SUBJECT:** UP14-11 ELEGANT BARN; A MODIFICATION TO AN EXISTING  
CONDITIONAL USE PERMIT (UP12-05) TO ALLOW A BANQUET  
FACILITY, FOR APPROXIMATELY 1.11 ACRES OF REAL  
PROPERTY, LOCATED SOUTH OF THE SOUTHEAST CORNER OF  
GREENFIELD ROAD AND BASELINE ROAD AT HOUSTON AVENUE,  
IN SINGLE FAMILY-43 (SF-43) ZONING DISTRICT.

**STRATEGIC INITIATIVE:** Community Livability

This existing banquet facility provides a location for social gatherings for wedding receptions, anniversaries, birthday parties and similar events for the community.

### **RECOMMENDED MOTION**

Request for input only. No motion required.

### **APPLICANT/OWNER**

Vintage Venue Ventures, LLC.  
Dennis and Stella Elliott  
3914 N. Pinnacle Hills Circle  
Mesa, AZ 85207  
(408) 483-7011  
Email: dero@ix.netcom.com

## **BACKGROUND/DISCUSSION**

### **History**

Date	Action
<i>April 11, 2006</i>	The Town Council approved A05-26 annexing this Greenfield Baseline County Island area including the subject property.
<i>August 2, 2012</i>	The Zoning Administrator approved case AUP12-05; an administrative use permit for shared parking between the subject site and the Spirit of Joy Lutheran Church to the south.
<i>October 3, 2012</i>	The Planning Commission approved case UP12-05; a conditional use permit allowing the banquet facility to operate in the Single Family Residential SF-43 district, with stipulations limiting the operating hours and days of week and prohibiting the use of live bands.
<i>November 15, 2012</i>	Case UP12-05 was appealed to the Town Council. The Town Council upheld the Planning Commission approval of case UP12-05, with additional stipulations setting a maximum occupancy of 233 and prohibiting a) parking on the west side of Greenfield, b) the use of speakers outside of the facility, and c) the consumption/service of alcohol.
<i>January 8, 2014</i>	Received Certificate of Occupancy from the Town.

### **Overview**

The existing banquet facility is located on a 1.11 acre lot south of the southeast corner of Greenfield Road and Baseline Road at Houston Avenue. The business owner is requesting modifications under the justification that he was willing to compromise and agree to the original terms when he thought his business model would not be substantially affected. After beginning operations, however, the owner now realizes that there are significant negative impacts on his business and has estimated a loss of 137 wedding bookings (47%) equaling a large sum of potential profits lost. The owner estimates that the amount of revenue lost has been over 50% when he originally had estimated about 20%. The owner feels that his business has worked hard to be a very good and trustworthy neighbor to the nearby residents and if granted his request to modify the standards, he would continue to work on this important relationship and to always comply with all Town regulations and noise ordinances.

The facility has been operating under Conditional Use Permit UP12-05, approved by the Planning Commission in October 2012, and Town Council in November 2012, and has been open to the public starting at their Grand Opening event held on February 27, 2014. The following conditions were adopted at different stages throughout the Use Permit process.

#### **Administrative Use Permit (AUP12-05) for shared parking**

- 4 guests allowed per each parking space.
- Required 21 spaces minimum onsite.

#### Planning Commission (October 3, 2012)

- Shall be in substantial conformance with original site plan, traffic coordination plan and operating procedures plan.
- Limited hours of operation to 10am to 10pm and excluded Wednesdays and Saturdays from the days of operation.
- Live bands shall not be permitted, however, individual live performers may be permitted.

#### Town Council Appeal (November 15, 2012)

- Upheld Planning Commission approval
- Added stipulation for no parking across Greenfield Road.
- Added stipulation for no speakers outside of facility.
- Added stipulation for no alcohol at facility.
- Limited maximum occupancy to 4 persons per onsite or offsite (contracted) spaces.

#### **Surrounding Land Use & Zoning Designations:**

	<b>Existing Land Use Category</b>	<b>Existing Zoning</b>
North	Residential > 0-1 DU/Acre	Single Family-43 (SF-43), large lot residential subdivision along Desert Lane.
South	Residential > 0-1 DU/Acre and Residential > 1-2 DU/Acre	Single Family- 43 (SF-43), Houston Ave. alignment and Spirit of Joy Lutheran Church and (SF-15) Carriage Parc residential subdivision
East	Residential > 0-1 DU/Acre	Single Family-43 (SF-43), large lot residential subdivision along Desert Lane and Houston Ave.
West	Residential > 3.5-5 DU/Acre	Greenfield Rd. then Tanglewood Cove Unit II at Val Vista Lakes, Single Family-7 (SF-7)
Site	Residential > 0-1 du/acre	Single Family-43 (SF-43) parcel

#### **DISCUSSION AND REQUESTED INPUT**

The applicant is requesting modifications to an existing Conditional Use Permit (UP12-05) for a Banquet Facility on a 1.11 ac. site situated south of the southeast corner of Greenfield and Baseline Roads, in Single Family-43 (SF-43) zoning district. The banquet facility site abuts Single Family-43 (SF-43) on the north and east sides with the Spirit of Joy Lutheran Church to the south and Carriage Parc Estate (SF-15) to the southeast. Along the west side, the site has access at a single location to Greenfield Rd. (minor arterial), which contains two lanes in each direction with a continuous center turn lane. The site also contains a private access easement along the south side of the property (the Houston Avenue alignment), which extends from Greenfield Road to other residential lots located to the east.

The approximate 3,500 sq. ft. barn is located near the southeast corner of the site and an approximate 7,000 sq. ft. grass area is situated north of the barn behind the residence for use by guests and patrons. From this grass area, adjoining SF-43 residences are located about 100 ft. toward the northwest and northeast. During the public outreach for the existing use permit, these three adjacent property owners provided letters stating no objection to the proposed use.

The applicant is proposing the following modifications to the existing Use Permit (UP12-05):

- Parking/Traffic Plan
- Hours of Operation
- Use of Alcohol
- Location of Audio Speakers
- Type of Music/Entertainment

### **Parking/Traffic Plan**

The banquet facility and adjacent church have an existing cross parking agreement for shared parking per AUP12-05. The shared parking agreement allows the banquet facility to use the parking lot on the Spirit of Joy Lutheran Church site containing up to 73 parking spaces and similarly, the church to use approximately 21 spaces located on the banquet site. The Elegant Barn also has a verbal agreement with Grace Covenant Church located at 1255 N. Greenfield Road, just north of the Elegant Barn on the same side of Greenfield Road. The applicant explained that the agreement between himself and the Pastor of Grace Covenant is a verbal agreement to request the use of each other's parking lots to accommodate overflow when it is expected. The applicant states that he has used the Grace Covenant Church lot only a few times and for approximately 10 cars or less. The lot was also utilized for a recent wedding and a shuttle was provided to transport guests to and from the venue.

Nonetheless, the current parking plan specifies that all pedestrian traffic coming from the Spirit of Joy Lutheran Church parking lot will be directed to the public sidewalk for crossing onto the banquet facility property. The applicant is requesting to modify this stipulation to allow pedestrians to safely cross the Houston Avenue alignment (private access easement) at the fire lane located between the two properties. The owners of the Elegant Barn have made several improvements to Houston Avenue including adding pavement and widening the easement, adding pavement striping, lighting and both yield signage for vehicles and signs for pedestrian crossings. The Town Traffic Engineer has approved this safer option.

In order to further facilitate a safe crossing, the applicant is proposing to hire private traffic controllers to monitor the parking areas during both arrival and departure times, to help ensure the safety of crossing pedestrians.

### **Hours of Operation**

The existing use permit stipulates the hours of operation to be from 10:00 AM to 10:00 PM daily, except the facility may not operate on Wednesdays and Sundays. The original intent of excluding Wednesdays and Saturdays was due to the fact that the adjacent church typically uses the shared parking lot on those days. However, a modified stipulation is being proposed that would be more accommodating to changes in the church and Elegant Barn schedule.

The applicant is requesting to expand the permitted hours of operation from 7:30 AM to 11:00 PM daily, with the exception of New Year's Eve until 1:00 AM. The modification would stipulate that the banquet facility shall comply with the Town of Gilbert noise ordinance. The expanded hours will allow the venue to be used for corporate events that often start in the morning and require an earlier set-up time. The extended evening hours will allow event staff to



stay later for clean-up, although all music will still be stopped by 9:30 pm, as is currently the practice, and all attendees except for the cleanup crew will be out by 10:00 pm.

### **Use of Alcohol**

The condition of approval that prohibits the use of alcohol at the banquet facility was added during Town Council's action on the appeal of case UP12-05. At the time of the original application, the business owner specifically requested alcohol service with "no open-bar," and it remains his goal to provide such service.

The applicant is requesting to remove this condition to be competitive with other banquet facilities and to remove the negative impact it has on his business in terms of losing potential event bookings. The facility is not requesting to have a liquor license, but instead would hire licensed vendors who would carry their own liability.

The use of alcohol was discussed as a point of concern by residents, Planning Commissioners, and Town Councilmembers during the review of case UP12-05. Planning Commissioners and staff decided not to place a condition regarding the use of alcohol. According to the Planning Commission minutes, this decision was made in order to not limit the business owners' opportunity to increase their revenue. However, Town Council later added a condition during the appeal to restrict the use of alcohol entirely (not just the exclusion of open-bar).

### **Location of Audio Speakers**

The condition to limit the use of audio speakers to the interior of the barn only was added by Town Council during the appeal of case UP12-05.

The applicant is requesting to modify this condition to permit the use of outdoor speakers only for low level, background music and for use by officiates during ceremonies or by other persons needing to use a microphone for short announcements.

### **Type of Music/Entertainment**

The existing condition limits the type of performance to individual live performers only, and does not allow performances by live bands. This condition was part of the approval by the Planning Commission in September 2012.

The applicant is requesting to modify this condition to allow "soft" dinner level, background music outside, while continuing to limit the louder dance music to inside the barn.

### **Summary of Applicant's Comments and Research**

The owners of The Elegant Barn have conducted their own research on other event facilities in the Gilbert area and believe that they are at a competitive disadvantage when it relates to the current constraints that are placed on their facility. Often, these constraints have resulted in lost bookings for the venue. An attached spreadsheet details the comparison of nearby event venues and the restrictions that fall upon them as compared to the Elegant Barn, as summarized from the applicant's submittal materials. Additionally, the applicants would like the Commission to be aware of their working relationships with several local Gilbert vendors who provide and offer event related services (i.e. catering, music, rentals, etc.). The applicant's belief is that the loss of

their ability to book events is also negatively affecting other vendors in the Gilbert area and in the end resulting in an impact to the Gilbert tax revenue.

**STAFF REQUEST**

Staff requests Planning Commission input on the proposed modifications for UP14-11.

Respectfully submitted,



Nichole McCarty  
Planner II

**Attachments:**

1. Spreadsheet summary of applicant's research on other venues
2. Applicant's photos
3. Vicinity map
4. Aerial photo
5. Site plan

**UP14-11**  
**Attachment 1: Spreadsheet summary of**  
**applicant's research on other venues**  
**January 21, 2015**

	<b>The Elegant Barn</b>	<b>Val Vista Lake Estates</b>	<b>Shenandoah Mills</b>	<b>Portico</b>	<b>Villa Siena</b>
<b>Traffic Control Plan Required</b>	YES	NO	NO	NO	NO
<b>Traffic Control Staff at Events</b>	YES	NO	NO	NO	NO
<b>Parking Off-site Restriction</b>	YES	NO	NO	NO	NO
<b>Overflow Parking Planned For</b>	YES	NO	NO	NO	NO
<b>Days of Operation</b>	Required to be closed Wed. & Sun.	Available 7 days a week	Closed Sunday	Closed Sunday	Closed Sunday
<b>Hours of Operation</b>	10 AM - 10 PM	10 AM - 10 PM Weekdays, 10 AM - 12 AM Fri. & Sat.	Varies; closes by 12 AM	8 AM - 12 AM	10 AM - 12 AM
<b>Use of Alcohol Allowed</b>	NO	YES	YES	YES	YES
<b>Open Bar Allowed</b>	NO	YES	YES	YES	YES
<b>Outdoor Audio Speakers Allowed</b>	NO	YES	YES	YES	YES
<b>Types of Music/Entertainment</b>	No Bands, Single Performer Only	Bands and Live Music Allowed	Bands and Live Music Allowed	NO Bands Allowed	Bands and Live Music Allowed

**\*\*\*DRAFT Summary of applicant's own research submitted to the Town for reference\*\*\***

# Val Vista Lake Estates

216 ft to nearest residence  
1600 East Lakeside drive



# Shenandoah Mill

154 ft. to nearest residence  
1359 S. Gilbert Rd.





The portico  
209 ft. to nearest residence  
13640 E. Williams Field Rd.



# Villa Sienna

317 ft. to nearest residence  
890 Elliot Rd











CAUTION  
PED  
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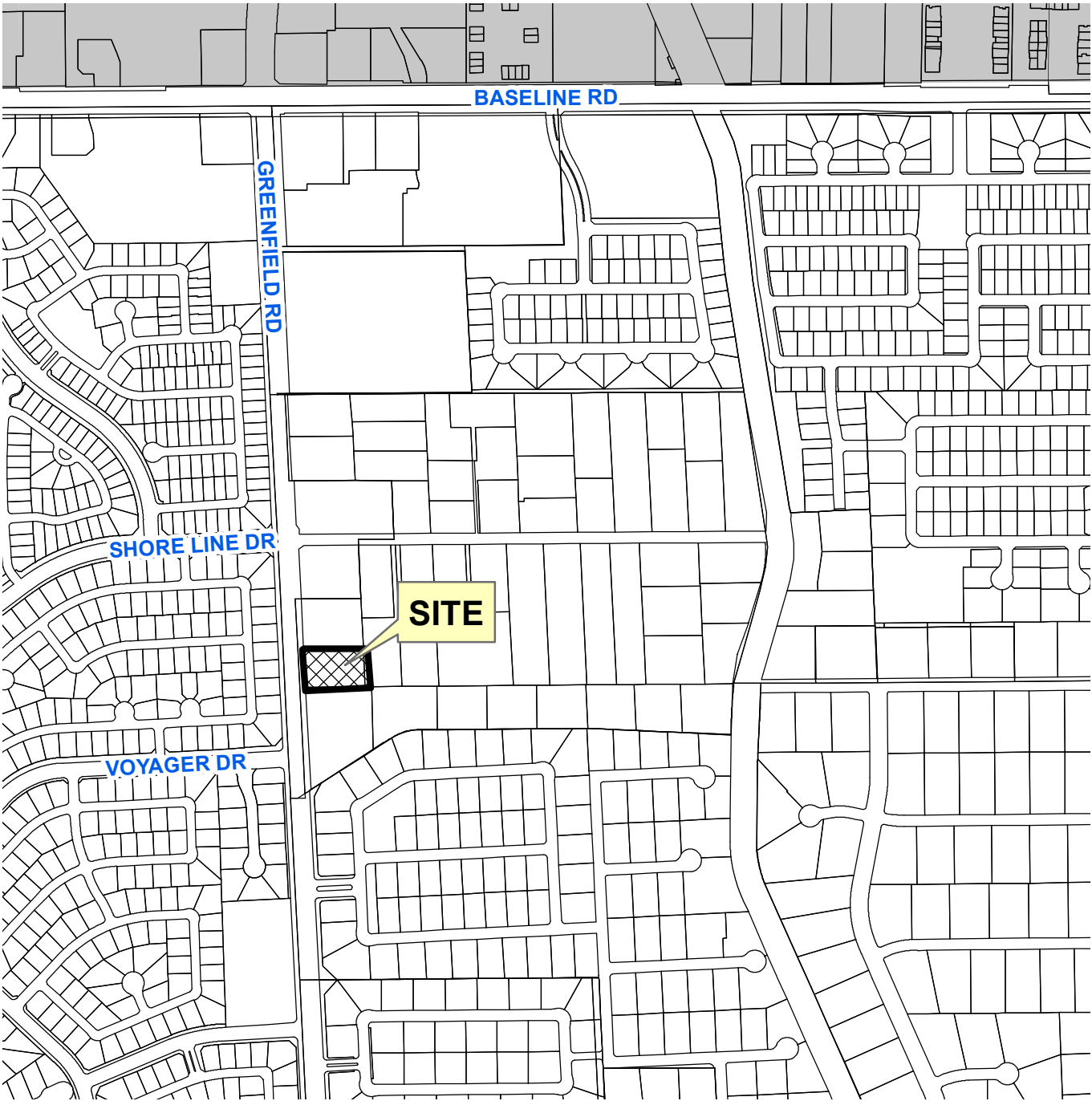
NO  
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7-6





*UP12-05-B*  
*Vicinity Map*

*SITE LOCATION:*



TOWN OF GILBERT  
MESA

0 260 520 1,040 Feet





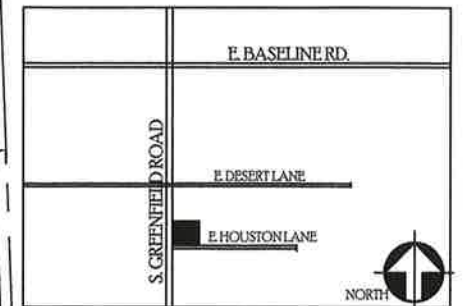
**UP14-11**  
**Attachment 4: Aerial Photo**  
**January 21, 2015**





# The Elegant Barn

EVENT VENUE  
www.theelegantbarn.com  
480-813-2007



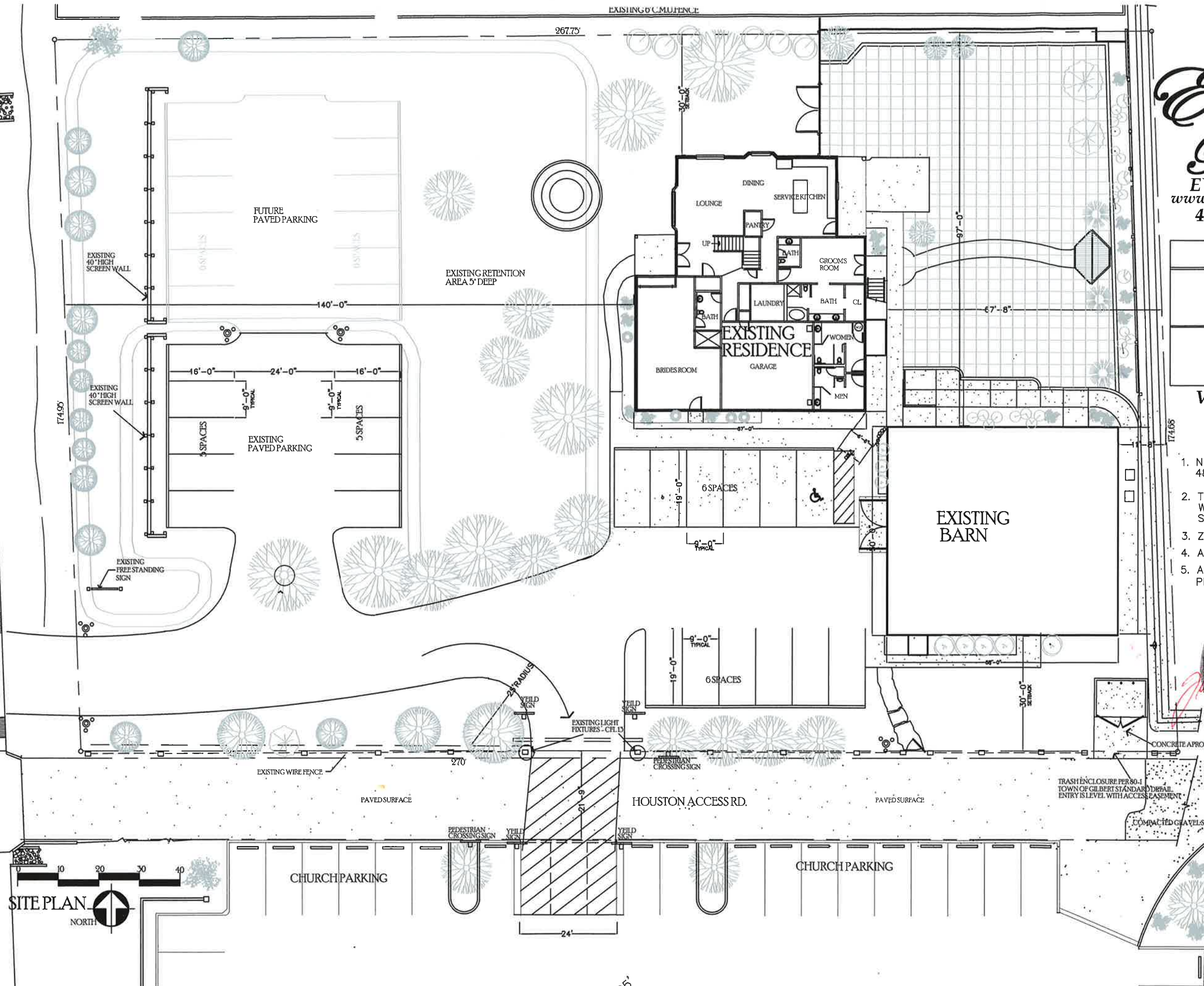
VICINITY MAP

## SITE INFORMATION

1. NET ACRES: 1.11 AC.  
48,613 S.F.
2. THIS IS A IRRIGATED PROPERTY WITH OVERLAY RETENTION AREA. SEE GRADING & DRAINAGE PLAN
3. ZONING: SF-43
4. APN: 304-08-113
5. ALL PARKING SPACES ARE 9' X 19' PER TOWN OF GILBERT STANDARDS



NORTH GREENFIELD ROAD



SITE PLAN

NORTH

DRAWINGS PREPARED BY:  
FREDERICK L. CRANDALL  
ARCHITECT AZ#23468  
922 N. GILBERT RD.  
MESA, ARIZONA 85203